IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.644 OF 2005
IN
ARBITRATION PETITION (L) NO.392 OF 2005

Goel Road Carrier Pvt.Ltd. .. Appellant.
V/s.
Cadbury India Limited .. Respondent.

Mr.Jimmy Pochkhanwala, senior counsel with Mr.B. Somandy i/b. Vinod Juwale for the appellant.
Mr.Dara Zaiwala, senior counsel with Mr.Rahul Chitnis i/b. Cr. Bayley & Co. for the respondent.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 10TH AUGUST, 2005.

P.C. :

Heard Mr.Pochkhanwala, the learned senior counsel for the appellant and Mr.Zaiwala, the learned counsel for the respondent.

2. In our considered view, the arbitration petition deserves to be heard at an early date by the learned Judge. We, accordingly, do not deem it necessary to go into the diverse aspects raised in the appeal and dispose of the appeal by following order :

i) The learned Single Judge is requested to hear and decide the arbitration petition (l) NO.392 of 2005 expeditiously and preferably within three months from the date the parties move the learned Judge for

fixing the date of hearing of the arbitration petition.

ii) We record and accept the statement of the learned senior counsel for the respondent that in compliance of the impugned order dated August 2, 2005, a bank guarantee in the amount of Rs.19,00,000/- to the satisfaction of the Prothonotary & Senior Master of this Court has been furnished.

iii) The appellant herein shall within one week from today hand over possession of the subject goods to the Court Receiver.

iv) In case the respondent fails in arbitration petition filed under Section 9 of the Arbitration and Conciliation Act, 1996, the appellant shall be entitled to encash the bank guarantee after the expiry of one month from the date of decision in the arbitration petition.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)